

MINISTRY OF INFORMATION
GOVERNMENT PRESS OFFICE

PRESS BULLETIN

Jerusalem, 30 January 1975

PRESS RELEASE ISSUED BY

THE COMMISSION OF INQUIRY - YOM KIPPUR WAR

UPON SUBMISSION OF ITS THIRD AND FINAL REPORT

TO THE GOVERNMENT AND THE DEFENCE AND

FOREIGN AFFAIRS COMMITTEE OF THE KNESSET

ON 30 JANUARY 1975

For reasons of security, the Commission decided, by virtue of the authority vested in it by Article 20 of the Inquiry Commissions Law 1968, not to publish the report, with the exception of the Introduction and its appendices, as follows:

INTRODUCTION

Many of those who fought on both fronts are no more, and we shall never know all the testimony about the horrors of the war and the sacrifices. The Commission pays reverent tribute to the heroic deeds of the fallen and their comrades, which decided the outcome of the fighting.

This, the third and final report of the Commission, deals with the Israel Defence Forces' deployment for the Yom Kippur War in general and its operations to halt the enemy in battles of containment. These are the remaining subjects that the Commission was charged with inquiring into, according to its terms of reference. With the submission of the present report, we re-confirm our conclusions in our first partial report of 1.4.74, which dealt with information and its assessment, and the preparedness of the I.D.F., in the days preceding the war, and also the full reasons for these conclusions contained in the further partial report of 10.7.74, and they have therefore become final conclusions. All three reports should, therefore, be seen together today as the Commission's report in the sense of section 19(a) of the Inquiry Commissions Law 1968. *

It should also be noted here that, together with the publication of this Introduction (see para. 7 below), there will also be published, in accordance with para. 3 of the further partial report, part of the chapter in that report which deals with several legal questions (Appendix A). To the remarks made there we also add now a recommendation that the Government ought to take the initiative in the near future to remove, by an express legal enactment, all of the doubts in regard to power and authority to which we drew attention there.

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* It is only necessary to specify more accurately one point which has been wrongly stated in the first partial report. On page 32, line 12 (English version, p. 10 line 14), it is stated that the Prime Minister decided in favour of "total mobilization." This should read: "mobilization of the reserves as recommended by the C-o-S and afterwards approved by the

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2. In the course of the inquiry the Commission held 156 sessions, at which it heard 90 witnesses (47 sessions, at which it heard 33 witnesses, were held since the submission of the further partial report on 10.7.74). Officers appointed to collect material according to Article 13 of the law also took evidence from 188 members of the army. Much material was also submitted to the Commission in writing: documents submitted to it directly, marked with numbers 1 to 424, many of them subdivided according to subsidiary numbers, and also volumes, each consisting of scores of documents. In addition, the officers collecting material provided the Commission with 131 documents.

3. Before dealing in this Introduction with the contents of the present report, we wish to say a few words about the atmosphere among the public which accompanied the work of our inquiry during most of the time when we were engaged in it. We are not referring to the fact that, even before the appointment of the Commission, the idea had taken root among many citizens, following what had happened and become known to the public - to which descriptions appearing in the Press in one form or another also contributed - that grave acts of omission and errors had been committed by civil and military authorities, which left their mark in the surprise inflicted on us by the enemy and the manner in which the war was conducted in its early stages. There is no doubt that this added a measure of tension around the subject of the inquiry even before the Commission started its work, so that when it was appointed many hoped that it would be able to complete the inquiry in a short time and immediately thereafter publish a report in which it would reveal these acts of omission and commission and point out those responsible for them - and all this even before the holding of the elections to the Eighth Knesset on 31 December 1973, or at least shortly afterwards. Today, it is needless to say that the great scope and extent of each of the subjects within the field of the inquiry prevented the Commission from satisfying, from the timing point of view, the wishes of those who cherished these expectations, but they were unable to understand this, especially as they could not closely follow the procedure of the inquiry, which was conducted, by decision of the Government and the Knesset, behind closed doors and in complete secrecy, which was essential in view of the most sensitive security character of the evidence. The members of the Commission understood the feelings of those citizens - for it is of the nature of a matter "of vital importance at the time requiring clarification," which has led to the establishment of an inquiry commission of the type specified by the aforesaid law, that it should cause considerable public feeling before its establishment. Accordingly, the atmosphere of tension mentioned above, which had not yet assumed wide dimensions at the time, was not yet such as to make things too difficult for the Commission's work. We have seen fit to mention this phenomenon, however, in order to emphasize that the members of the Commission were aware, from beginning to end of the inquiry, of the need to take great care not to succumb to prejudice when they had to draw a conclusion or conclusions on one aspect or another within the scope of the inquiry. However, when we issued the first partial report of the Commission in April 1974, we did so on the basis of the view that the public was entitled to learn at an early date of the Commission's conclusions and recommendations on those matters on which it had already completed its deliberations.

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There were some, including public men and journalists, who did not accept some of these conclusions and recommendations, and who did not base their negative criticism on the merits of the case - and fair criticism on the merits of the case is of course permissible and desirable, and is of the essence of the democratic process - but accused the members of the Commission of "favouritism" and "discrimination." It should be noted that, just as the law forbids, as a criminal offence, the publication of abusive statements against the judge of a court in connection with the fulfilment of his duty, the same prohibition applies to the publication of defamatory and offensive statements against a member of an inquiry commission such as our Commission in connection with the fulfilment of its duty (Articles 24 and 35 (6) of the Inquiry Commissions Law 1968). Even without taking into account these provisions, which are intended to equalize the status of members of an inquiry commission, in regard to the defence and immunity which the legislature has given them in this type of case, to the status of a court judge, it is clear that, just as it is one of the things that are most offensive and liable to poison the public atmosphere if a judge is accused of adjudication infected with "favouritism" and "discrimination," so the same applies when such insulting language is used in regard to members of an inquiry commission in connection with what has influenced them in determining their conclusions or recommendations.

Moreover, according to Article 41(a) of the Courts Law 1957, "no person shall publish anything about a matter pending in a court if the publication is liable to influence the course or the outcome of the proceedings." This provision also applies, by virtue of Article 18(a) of the Inquiry Commissions law, to a matter pending before an inquiry commission. The aim of the provision is to ensure that the conclusions of the tribunal, whether it be a court or an inquiry commission, shall not be determined except on the basis of the testimony (and the arguments) submitted to it, and that they should not be influenced by the content of statements appearing in the communications media or made in any other public form. Its goal is also to prevent the creation of prejudices among the public, by way of "trial by the Press," on matters about which the tribunal has to draw conclusions on a subject pending before it. However, during the time when our inquiry was being conducted, articles and reports which flagrantly violated this prohibition appeared on subjects pending before us. We do not mean to say that it was completely forbidden to write or speak on these subjects, but only that it was not permissible to include in the reports and articles categorical statements on questions in controversy in connection with such a subject, on which the Commission had not yet determined its attitude - or to include in them a factual description implying such statements and conclusions. This phenomenon did not make the investigations or decisions of the Commission any easier, for it is well known, as Justice Frankfurter once said, how strong is the attraction of the unknown. As far back as 1958 it was stated in an opinion of the Supreme Court in Israel that "the time has come when the Press in Israel should learn once and for all the true limit which must not on any account be transgressed where it is a question of the publication of material connected with a matter still sub judice, on which a final decision has not yet been given" (See 233/55, the Attorney General vs. M. Greenwald, Court Decisions, vol. 12, pp. 2017, 2059-60).

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In addition, there is the serious fact that these publications included irresponsible statements constituting a violation of the vital requirements of field security and State security in general and also included inaccuracies and distortions. It should be noted that this refers not only to the plethora of publications of this kind mentioned in the letter from the Chairman of the Commission to the Minister of Defence on 9.12.74 (see below, Appendix C), for they were preceded by other publications of a similar character. This phenomenon is not only calculated to arouse general concern, but it also hampered the Commission in its orderly work, especially as the Commission itself was unable to reveal the true facts to the public.

In mentioning these phenomena it was not our intention to defend our personal honour in the framework of this report. Our main aim was to make it clear that the tense, and sometimes turbid atmosphere surrounding the work of the Commission, which was liable to undermine (whether those responsible acted knowingly or unknowingly) the trustworthiness of its members, made our task - in any case extremely onerous - almost intolerable, which makes the future of the institution of inquiry commissions on the pattern laid down by the aforesaid law very questionable indeed. If, despite the trials to which we were subjected, exposed to offensive and disingenuous criticism without being able to react in public to refute it, we decided to remain faithful to our task and continue in it to the end, the reason is that we regarded the completion of our task as the fulfilment of a mission of great importance, which is calculated to contribute to preparing the country to endure the security trials in store for it - to help to increase its endurance and improve the operations and strengthen the structure of the body on which the country's security rests - the Israel Defence Forces. Seeing matters in this light, we felt that we must not allow the difficulties piled up in the path of our inquiry to discourage us from completing this task. *

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* In view of the painful experience mentioned above, we believe that the policy adopted in recent years by the prosecuting authorities not in general to submit criminal indictments under Article 41(a) of the Courts Law, even in extreme cases such as those that have happened in connection with the work of our Commission, should be reconsidered. This policy makes this vital provision of the law almost a dead letter. On the importance of this provision for the execution of justice, the Supreme Court said in case 126/62 (Court Judgements, Vol. 17, pp. 183-184, 189):

"Article 421(a) of the Courts Law now defines the scope of publications in connection with a matter pending in court. It takes the form of a general prohibition of any publication 'calculated to influence the course or results of the trial' and excludes from the scope of the prohibition only 'the publication of a report in good faith on something said or happening at a public session of the

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4. We wish to make a further general remark here: we do not consider ourselves under any obligation to apologize for having conducted our enquiry almost incessantly for approximately fourteen months, if only for the number of the subjects mentioned in the Commission's letter of appointment and the complex and many-sided nature of each subject, **

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Court.' Hence, the publication of anything said or happening outside the court" (in our case: the Inquiry Commission) "which is liable to influence the trial is forbidden. Journalists and newspaper owners who take it upon themselves to report such events cannot claim that this is done for the public welfare. The law decides what may or may not be published from the point of view of the public welfare, and when the legislature has spoken, all claims that the requirements of the public welfare are different are silenced."

Reservation by Dr. Y. Nebenzahl: I agree that there are amongst us manifestations harmful to the status of judicial and quasi-judicial institutions of government, which undermine the confidence of which they are in need for the fulfilment of their tasks. Permissiveness in this matter is a fault in our public culture and fraught with danger. On the other hand, we should weigh the advantages in freedom of speech and criticism. If it is not always possible to preserve the balance between them, it is better that the decision should be on the side of freedom. Moreover, a stringent application of the law defending the Commission, and the limitation of free speech on the subject of the Yom Kippur War which would have been involved, would have been an imposition which most of the public could hardly have endured. To accompany the work of the Commission with criminal cases, even if only with regard to the most serious violations - and there were such - would have meant adding to the country's wounds in its difficult hour, when all the Commission's efforts were dedicated to its rehabilitation. Hence I have no criticism of the non-application of the law of contempt of court for the Commission's defence.

** It should, for example, be recalled that the inquiry commission of the U.S. Senate, investigating the surprise attack launched by the Japanese air force upon Pearl Harbour on 7 December 1941 - and this was only one single incident - did not complete its investigation until some nine months from the date it commenced.

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and furthermore, we devoted to each and every subject discussed a detailed and thorough consideration, both in collecting the vast amount of testimony - written and verbal - and then filtering it, and by checking all this material, weighing it carefully and drawing the necessary conclusions therefrom - a task which itself entailed the holding of very many discussions. *

5. Here is the place to return to the question of the interpretation of Article 15 of the Inquiry Commissions Law. It will be recalled that in Para. 6 of the first partial report we explained the interpretation which we gave to this article. At the end of this section, we stated:

"We are convinced that the interpretation we have given to paragraph 15 is in keeping with the requirements of justice and has ensured a fair hearing for any person who has appeared before us and is mentioned to his detriment in this report. We are also convinced that any broader interpretation of this clause would have stultified the inquiry entirely, by irreparably complicating its procedures."

Now that the inquiry has been concluded, we may say that the general experience we have acquired in the course of it has fortified the above opinion. We would add that even in applying our restrictive interpretation of the article, we met with no inconsiderable difficulties in the course of our inquiry. It should be noted that in High Court of Justice Case No. 469/74 (Gonen vs. Inquiry Commission) the Court did not, indeed, feel compelled to express an opinion on the interpretation of Article 15, but in its ruling it added the following:

"The 'monumental' task of the said Commission, in the words of the Attorney General, is so different - both from the point of view of the scope of the inquiry and from that of the importance of the subject - that special legal provisions should have been established for it which would have enabled it to exercise flexibility. Had the Commission been authorized so to act, it could have carried out its task more effectively, without violating the requirements of justice in regard to the persons whose behaviour is the subject of its inquiry."

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* Generally, the various military authorities responded when the Commission applied to them for documents in their possession in which it had an interest, although in the early stages of our inquiry we met with difficulties in connection with similar requests to the Chief of Staff's office, where the response was sometimes delayed for a considerable time.

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On the basis of our experience, we support, with all respect, the recommendation of the High Court of Justice. We are convinced that it is essential to establish special legal provisions more appropriate to extensive inquiries, entrusting a broad freedom of judgement to the inquiry commission itself, in order, on the one hand, to prevent unfair damage to anyone liable to be injured by the inquiry, and, on the other hand, to enable the inquiry to be conducted without the difficulties which fell to our lot with this inquiry, whenever we had to reconcile the requirements of Article 15 with the need to pilot the inquiry effectively and complete it in a more or less reasonable time.

6. The above statements concerning the diversified and wide-spread nature of the subjects falling into the sphere of our inquiry in general are all the more valid where deployment and the containment battles are concerned. However, whilst we were able, in our earlier reports, to encompass to a considerable degree the subjects concerned (information received and its evaluation; preparedness), it was impossible, if we did not want to prolong the inquiry for a considerable additional period, to do this where deployment and containment battles were concerned - because of the many and diverse aspects of the former subject, and since the containment battles only stopped on 14 October 1973 on the Southern Front, and on 9 October on the Northern Front. With regard to these two types of subject, therefore, we saw no other way than to select those aspects and events upon which we felt it worthwhile to concentrate. Our guiding principle on this issue was that it was our principal task to trace the roots of the negative manifestations revealed in the deployment stage on the one hand, and to locate basic flaws which came to light during the containment stage on the other hand - in order to enable the I.D.F. and the State to draw the utmost lessons from them for the future - not only in the short term but also in the long range.

On the basis of this principle, we therefore limited our consideration, where deployment was concerned, only to those issues which will be mentioned below. In regard to the containment battles, we have concentrated on the engagements which took place on the Southern Front on 8 October, and the battles fought on the Northern Front on 6 and 7 October until noon (with regard to the engagements in the south, we have also described the situation in Southern Command on 7 October, and have noted the repercussions of the battles of 8 October on the combat operations of one of the units on the following day). *

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* We consider the subject of the strongpoints and outposts here only insofar as it is connected with these battles, in addition to the numerous testimonies we have already cited in the further partial report on the position of the strongpoints and outposts until the outbreak of the war. As for the subject of the fall of the Hermon post, we have not investigated it, both because it does not belong to the main battle and also because this subject has been investigated by a special IDF inquiry commission, which has also submitted its conclusions.

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Reasons for the choice of the above-named days of combat on both fronts, which we summarize below, are clarified in detail in the introduction to those parts of the report which deal with these events. However, even the limitation of the scope of our inquiry could not have reduced the amount of time actually consumed in dealing with it any more than it actually did, in view of the Commission's desire to investigate in depth. Thus, for example, in order to suitably study the significance of the operations under consideration, we did not content ourselves with the documentary evidence of the discussions held, decisions made, and orders given and received, at Cabinet and General Staff level, in the field commands and command posts of the divisional commanders, nor did we confine ourselves to the testimony of the senior commanders, but also heard the descriptions of those officers who had fought face to face with the enemy, including regimental commanders and lower echelon officers.

7. By virtue of the authority vested in the Commission by Article 20(a) of the Inquiry Commission Law, we have decided, for conclusive security reasons, not to publish the present report with the exception of this Introduction and its appendices. For the same reason, we have decided, by virtue of our authority under subsection (c) of the aforesaid Article, not to publish the minutes of the proceedings of the Commission in whole or in part. We have also decided by virtue of Regulation 8 of the Inquiry Commissions (Procedure) Regulations (Amendment) 1974 that the minutes of the proceedings shall be kept secret for a period of 30 years from the date of this report and the right to peruse them shall be given only by permit granted by the President of the Supreme Court on the basis of an application by the Government or the Defence and Foreign Affairs Committee of the Knesset, provided that the application is based on considerations founded on the public welfare and justifying the abrogation of secrecy. * It is for the Minister of Justice to consider whether this arrangement should also be given the force of an express regulation under the Inquiry Commissions Law 1968. We also recommend that it be arranged by law that at the end of the period of 30 years the President of the Supreme Court shall permit the publication of the proceedings with the exception of those portions of them which a special committee appointed for the purpose by the Government with the approval of the Knesset shall find it necessary to continue to keep secret even afterwards for reasons of State security.

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* In this connection it is worth recording here that since the proceedings of the Commission were held behind closed doors for reasons of security, there were witnesses who expressed themselves before the Commission on matters about which they gave an opinion with more freedom than they would perhaps have done in a public discussion, assuming that the proceedings were being conducted under a cover of discretion.

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8. Since we are not permitting the publication of this report, as aforesaid, we recommend, as we did in regard to the further partial report (p. 6), that its chapters shall be brought, textually, to the knowledge of the appropriate ranks in the IDF so that the essential lessons may be learned for the future. This time, we can recommend a wider distribution of this report or parts of it to the various ranks in the army (down to the rank of lieutenant in the regular army or captain in the reserves), because part of the information contained in this report, although it is most secret, does not have the same special degree of secrecy as the information contained in the further partial report. We must point out that, according to the information that has reached us, not all the officers for whom the reading of the further partial report was intended have done so, or they have read only a part of it. It may be understood that the explanation for this is that in the orders given in the IDF for the implementation of that recommendation, it was not expressly stated that the reading was obligatory and not merely optional, and that the arrangements for the reading did not take into account the time required for the purpose. In our view, it is essential that suitable orders should now be given from both these points of view, in regard to both the present report and the further partial report. We have been informed that the IDF will now make suitable arrangements to ensure the reading of this report and the further partial report by those who ought to read them.

9. In keeping with the principle mentioned in Para. 6 above and according to which we determined, as stated, the scope of our investigation in regard to the deployment and the containment battles, the present report comprises (apart from this Introduction) 1512 pages, consisting of eight main parts, on the following subjects:

Regimen and Discipline

Emergency Depot Units

The Containment Battles: Introduction

The Containment Battles: South (events of 8 October)

The Containment Battles: North (events of 6 and 7 October until noon)

Intelligence Support During the War

Control

Captivity

The report also contains a chapter on training (see Para 20) and a chapter written by Maj.-Gen. (res.) H. Laskov as an analysis of the subject "Deterrents and Decision" in the sense of a coherent system of thought. The following are our remarks on the above sections, intended to give a general presentation of their content.

10. Regimen and Discipline

We attach to this Introduction an appendix (marked "B") containing some of the passages on this subject in the body of the report, which we regard as fit for publication. Here we shall mention another matter connected with the subject of discipline, and requiring explanation:

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On 24 December 1973, the Chief of Staff submitted for the attention of the Commission a series of complaints submitted to him by Maj.-Gen. S. Gonen, all of which were directed against Maj.-Gen. A. Sharon. These were complaints of non-compliance with orders given by the former (in his capacity as GOC Southern Command) to the latter (then Commander of an Ugdá on the Southern Front) on various dates during the war. In his reply, dated Sunday 26.7.73, the Chairman of the Commission informed the Chief of Staff as follows:

"A. The Commission will consider questions of the giving of orders, obedience to orders and reporting on their implementation until the end of the containment stage. Accordingly, the subject mentioned in paragraph A of the complaint, which refers to the events of 9.12.73 (should be: 9.10.73) belongs to the matters into which the Commission will inquire...

"D. It is self-evident that the Commission's inquiry does not prevent the adoption of other steps required by law."

Ultimately, the Commission did not inquire into the complaint referring to the events of 9 October, for the following reasons:

(a) In his evidence before the Commission, Maj.-Gen. Gonen stated that he had withdrawn the complaints he had submitted to the CCS against Maj.-Gen. Sharon, not because he believed - so he said - that they were not well founded, but because it was "for the good of the IDF." He also said that in regard to one of them - referring to the events of 8 October - he had been convinced after the war that it was not justified.

(b) The above approach by the CCS to the Commission was made at an early stage of the inquiry, before the Commission had decided to concentrate, in the investigation of the containment battles of the Southern Front, only on the events of 8 October; so the Commission did not see fit to investigate the complaint. Insofar as the complaint referred to the events of 8 October, the Commission also heard during its investigations testimony on the subject of this complaint (though not in connection with it) and found, on its part too, that the complaint was not justified.

(c) Finally, it should be noted that in the section of this report dealing with regimen and discipline, there is a separate chapter considering in principle the subject of "non-compliance with operational orders." This chapter, which also covers the aspect of principle involved in the past dispute between the two Major-Generals in regard to the subject mentioned, we present below as Appendix B.

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11. Emergency Depot Units

During the period of its work, the Commission received many complaints from reservists of all ranks about shortages in equipment or unserviceable equipment issued to them in the emergency depots of their units when they were mobilized, as well as of irregularities in organization, equipment, and the flow from the unit depots to the front lines.

The cumulative weight of these complaints, as well as the central importance of the subject, led us to investigate the question of the preparedness and fitness of the I.D.F. reserves system in general, without specific reference to any single complaint, and as part of this overall issue we are dealing, in part, with the Emergency Depot Units and their condition prior to the Yom Kippur War.

In this part we deal with the question of the deployment of the emergency depots in connection with the I.D.F.'s plans, the speed of the deployment of reserves, correctness of inventories and serviceability of equipment in the depots and, in this connection, the reasons which led to the irregularities which characterized outfitting and movement on 6 and 7 October. We deal in particular with the question of responsibility, which is involved and at times unclear, of the various elements in the I.D.F., for the emergency depots system - and we add a number of recommendations for amending, correcting and future checking, in the event that this has not as yet been done.

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CONTAINMENT BATTLES

12. With reference to this subject, it is important here to make the following remarks:

(1) The abundant documentation which was at our disposal, added to the detailed testimonies from most levels of command, enabled us to investigate in depth the containment battles with which we dealt, and to analyse them fully, to the extent that it may be stated that, with reference to them, this report reflects a thorough study for the drawing of conclusions, such as has not previously been carried out in regard to the military campaigns which the State has faced since its establishment.

(2) Thanks to the aforementioned documentation, we were enabled to describe in great detail and with the utmost accuracy the events referred to according to the times and in the places they took place, such as: the discussions and decisions at Cabinet, General Staff and Command levels; the orders and reports at the different military levels; the talks between the senior commanders before and during the battles; the events in the theatres of battle from the angle of the Ugdot, brigades and battalions; and such-like. Thus, analysis of these battles also incorporates a descriptive-chronological review.

(3) However, we did not regard the provision of such a review as an end in itself, but strove mainly to disentangle the cardinal and decisive questions from the involved mass of material on the events, and thus to localize the basic faults and draw attention to the conclusions entailed, so that they may be studied for future application.

(4) We did not deem it our task to review the actual political-strategic decisions, the goals of the war or the principles of one or another war plan. For us, these were data which served us as a starting point for examining the manner in which the battles were conducted (in order to examine, for instance, whether such conduct of the battle contained any essential deviations from the principles of the plan laid down for the implementation of our initiated counter-attack; or whether any of the moves made to check the enemy contradicted the I.D.F.'s fighting doctrine); as well as in order properly to evaluate the failures and achievements which were the outcome of the said battles.

(5) With regard to the conduct of commanders in battle, in certain cases which we pointed out we discovered that the question of whether a commander had erred in battle was one which called for a decision on an issue of a clearly military nature, concerning which there could conceivably be different professional opinions. Since we did not deem ourselves authorized as a commission to decide on such a matter, we recommended that these cases be investigated by the I.D.F. Similar recommendations were made by us regarding those cases in which we encountered conflicting versions by witnesses concerning what happened with reference to a specific battle, where - in the absence of a clear view, supporting one or another version - we were unable to rule on the different versions.

(6) In other parts of the report, where the issues concerned were considered merely from an institutional aspect (Intelligence Assistance during the War; Control), most of our conclusions regarding the faults and shortcomings revealed, and the conclusions called for as a result, were based on the evidence

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presented in the parts wherein the aforementioned containment battles were described and analysed. There is thus an organic link between the latter and the said institutional sections.

(7) As in the introduction to the further partial report, we stressed the great devotion with which all ranks of the I.D.F. fought, their supreme heroism and their inexhaustible powers of improvisation, the living examples thereof will again be found in the descriptions of those battles.

13. As already stated, in the part containing the prelude to the containment battles, we give detailed explanations of the considerations which led us to focus the investigation and discussion of them on the events of 8 October on the Southern front, and those of 6 and 7 October (up till noon) on the Northern front. These explanations - and we shall not mention them all here - are essentially as follows:

(1) The IDF's containment battle on the Southern front began on 6 October, when the Egyptian attack commenced, and ended on 14 October, after the final attempt of the Egyptian armour to effect a break-through was successfully checked; in the wake of this containment, the IDF took the initiative and crossed the Canal. The containment battle on the Northern front also began on 6 October, but ended actually on 9 October, when the attack by a Syrian armoured division north of Kuneitra was halted; not only did this conclude the containment stage, it also prepared the ground for seizing the initiative from the enemy and the development of the IDF's major counter-attack across the cease-fire lines.

(2) In approaching the question of how we ought to discuss the complex subject of "the (IDF's) operations up to the containment of the enemy," as our terms of reference put it, we were faced with two alternatives; one was to analyse in a general fashion all the containment battles fought by the IDF; and the second, to analyse thoroughly the engagement which was of decisive significance at this stage on each front, both from the point of view of their immediate results, and because most of the lessons connected with basic faults could be drawn from them. In choosing the second possibility, we were not unaware that certain engagements in the containment stage, in which the IDF won significant victories - such as the smashing of the Egyptian attack on 14 October, or the holding actions and counterblows on the Syrian front on 8-9 October - would not be considered in the report on our inquiry. Nevertheless, we were guided by the awareness that the purpose for which the Commission was established was not to write the history of the containment battles (had we indeed been charged with such a task, clearly it could not be accomplished in depth, except through an investigation lasting many years) but to locate the major shortcomings which came to light in the course of the containment stage. It followed that we had no choice but to adopt the course we did, which was to select the battle in each theatre from which the maximal strategic and political lessons could be drawn, as well as those concerning the IDF in the sphere of doctrine, structure, staff procedures, etc. Accordingly, we did not choose those engagements from which the most could be learned at the tactical level, as this sphere of the inquiry in particular ought to be the main concern of the IDF itself, which is the best qualified for it (insofar as we encountered important operative problems, with an affinity to the IDF's battle doctrine, we often confined ourselves to noting the state of affairs as represented in the depositions, recommending that these matters be subjected to a precise and professional examination and inquiry by the IDF; see para. 12(5) above).

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(3) In trying to choose the decisive engagements from the abovementioned aspects, we had also to examine the question: where and when did the engagements have the greatest effect on the IDF, from the point of view of the damage to its ability to achieve, in the first stage of the fighting, the objectives it had set itself, and to achieve which it had built up its forces; which moves and battles hindered or blunted the IDF's capacity to contain the enemy on the cease-fire lines - and if he had penetrated, to repel him and to speedily take the offensive initiative. In other words, to what extent were the IDF's battle doctrines which were established in order to attain those ends, applied in practice.

(4) On the basis of these assumptions, we also determined the limits of the end of the containment stage, the stage at which the IDF again seized the strategic initiative. In fact, the great test of the IDF, which it met brilliantly, was - in the last analysis - in its ability, despite the difficult starting conditions, to recover its equilibrium by seizing the initiative, and waging the war while applying the doctrines it had developed over many years. At the same time, the unavoidable necessity to face unforeseen situations put to the test not a few command systems and battle procedures which we thought it particularly appropriate to examine for the aforementioned purpose of drawing lessons. These matters found expression in various theatres, on various dates, which are mentioned in the text of these sections of the report. In other words, we had to select those days of the fighting which were most critical from the point of view of the IDF and the State, in that they affected not only tactical and operative moves, but had a direct and decisive affinity with the problems we set ourselves, and also influenced the course of events in the political and military theatres later, until the end of the containment stages.

(5) As already noted, it was in the nature of things that the IDF's being taken by surprise affected both the fighting forces and the conduct of the war in the first stages of the containment battles, and in fact, many of the shortcomings which came to light in these stages should be attributed to the preliminary factor of surprise. At the same time, a distinction should be drawn on this point between the Southern and Northern fronts: whereas on the Southern front the surprise was total, both from the point of view of time and from that of method, with the result that - as was shown in the previous reports - no effective steps were in fact taken to meet the threat, on the Northern front the surprise lay mainly in the aim and method adopted by the enemy, and less in the time that hostilities in whatever form broke out. The command echelons there were - as also mentioned by us before - concerned and cautious. This feeling was transmitted by them to the high command and, as a result, the Northern front was reinforced to a substantial degree even before the war. It follows that, in choosing the decisive days of fighting in the containment stage, we must examine different engagements on the different fronts.

(6) With regard to the Northern front, it is precisely the opening stage - including the night-time - that we must study, on

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the assumption that the IDF forces on the Golan Heights were at a higher-than-ordinary state of readiness and strength, and to examine where at this stage the command reserve was sent in, and whether it was sent in for appropriate and sufficient reasons. This is necessary also because it was precisely at this stage that the Syrians made their most significant achievements.

(7) By contrast, with regard to the Southern front, we felt it right not to analyse the first engagements of the regular forces on the Canal front. True, the consequences of these engagements were very grave, but they arose in the main out of the causes which we analysed in the earlier reports: The element of surprise, insufficient preparedness, and imperfect deployment of the forces.

Of the containment battles fought on the Southern front, we chose the one fought on 8 October in the central sector of the Suez Canal, principally since it was to have been the first battle initiated by the IDF on the Southern front, in which the IDF would regain - so it seemed to the senior command - the initiative.

(8) It should be noted that although in the execution of the operations of that day some of the effects of the initial surprise are still discernible, the IDF were by then in a position to determine the timing and plan of attack. As we show when we analyse the battle, what caused - inter alia - the offensive to go wrong, was an erosive deviation from the objective of the battle, as defined by the Chief of Staff, as well as a lack of control on the part of the Command, and its inability to read correctly the course of the battle. Moreover, some of the steps taken on that day by the various command echelons arose, consciously or sub-consciously, out of opinions formed by the commanders a long time before the Yom Kippur War, and not from an analysis of the situation at that stage. It is not our purpose here to contradict or endorse these assumptions, but only to examine to what extent it was appropriate to apply them given the circumstances as they existed at the beginning.

(9) From this it emerges that every detail and all lessons and implications of this battle ought to be studied, especially as it had also far-reaching effects on the entire strategy adopted thereafter by the IDF in the Yom Kippur War, and it even had potential or actual political implications.

As noted, the above-mentioned explanations are given in more detail in the part of the report devoted to the prelude to the containment battles. It is worth adding that we also dealt with many aspects of the events of 7 October on the Southern front, as they took place at the Command and divisional level, insofar as they had an effect on the opening situation on the 8th. Likewise, we described in brief the events of the battles of one of the Ugdot on 9 October, as they were a direct outcome of the engagements it fought towards the evening of the previous day.

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CONTAINMENT BATTLES: SOUTH (EVENTS OF 8 OCTOBER)

14. The exhaustive consideration, running to 746 pages, which we have devoted to these battles is divided into four parts: (1) the build-up of the forces, (2) the plan, (3) the fighting on the 8th of the month (the political level, the General Staff and the Command), (4) the Ugdot in battle. Here we shall mention only in general terms, and with the utmost brevity, the matters we deal with there.

We open this consideration with a description of the mobilization of the reserves which operated on the Southern front, the process of equipping them, and their movement to the front. This description is important for an understanding of the state of the troops when they went into battle, a state which had considerable influence on the course of the battles on that day and their consequences.

We then proceed to an analysis of the development of the idea of the counter-attack in the Canal sector from its inception, from the arrival of the first reserve forces at the front up to determination of the course of the offensive by the G.O.C. Southern Command, including the discussions conducted thereon at the political echelon, at the General Staff, and at the Command level. At the end of this part, we point to a series of shortcomings and mishaps which occurred at this stage of the planning of the attack, which later influenced its course.

We divided the description of that day's fighting into two: In the first part we analyse the considerations, decisions, moves and reports at the Command, General Staff and political level, insofar as they were involved. At the end of this part we set down all the lessons and conclusions deriving from the events of that day.

The next part deals with the course of the battles of each of the two Ugdot which were to participate in the counter-offensive planned for that day, including the deliberations, decisions, actions and reports at Ugda and brigade levels and; at times, when this affected the battle developments, at lower levels as well.

15. In summing up the results of the battles of 8 October we note, inter alia, the following:

(1) Although the aforementioned battles failed inasmuch as they did not attain the objective delegated to Southern Command, there can be no doubt that they were of great significance for the continued course of the war, primarily by the fact that they contained and blocked the enemy's bridgeheads, preventing him from completely achieving the first stage of his plan.

(2) Although one reserve Ugda was unsuccessful in executing the assignment of wiping out the Egyptian bridgeheads, its hard fighting that day contributed largely to blocking and

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containing the enemy's advance, thereby preparing the ground for the major counter-attack of the I.D.F., who eventually crossed the Canal westwards.

(3) While the other reserve Ugdá did not engage in battle for most of that day (due to reasons beyond its control, with which we dealt in the main part of the report), and although it sustained heavy losses in the fighting of the evening of 8 October and morning of 9 October, the battles it did fight prepared the ground for its further moves. On Tuesday afternoon (9 October), the Ugdá deployed for advancing westward. The attempt admittedly did not succeed, but when the battle ended towards evening, one of the Ugdá's regiments reached the vicinity of the Canal and thereby exposed the weak spot in the Egyptian alignment, through which the IDF was subsequently to cross the Canal.

Finally, it must again be stressed that on the battlefields where the aforementioned campaigns were fought, there were unsurpassed manifestations of sacrifice and bravery, on the part of officers and men alike.

16. At the end of the section of the report dealing with the battles of 8 October on the Southern front, the Commission adds a chapter of reservations and comments on the body of evidence relating to this subject. In Appendix 'C' to this Introduction we present the contents of this chapter, omitting matters which cannot be published for reasons of State security.

CONTAINMENT BATTLES: NORTH (EVENTS OF 6 AND 7 OCTOBER, UNTIL NOON)

17. Detailed consideration, spreading over 311 pages, was devoted by us to analysing these battles as well. Here, too, we shall content ourselves merely with mentioning some of the things emerging from this part of the report.

Certain basic facts characterized the situation of Northern Command at the outbreak of the war and in its initial stages. As we have already noted, the Command had been alert to the possibility of the outbreak of hostilities, and had taken steps to anticipate such a possibility. Its battle array was reinforced, and even though it was smaller than that considered necessary for the defence of the Golan Heights in the event of total war, the ratio of forces was not intolerable. The level of preparedness of the forces on the Golan Heights was fairly high, even though they, too, were surprised by the extent and timing of the enemy's operations upon commencement of the war. The regular forces which fought on the Golan Heights during the initial stages of the fighting distinguished themselves on the whole by their stubborn fighting and adherence to their objectives - and this was also the case among the reserves in the following stages of the fighting. Here too, as in the South, there were unsurpassed manifestations of sacrifice and bravery by all ranks. Also noteworthy were the initiative and resourcefulness of forces in battle - including junior and field-rank commanders who were forced by circumstances into independent

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and, at times, isolated action - which influenced the outcome of the entire campaign.

In addition to a description of the battles waged by the armoured units and outposts, in this part of the report we deal with the major considerations and decisions of Northern Command's headquarters and formations subordinate to it at this stage. Here a number of errors were made - which we pointed out - during the various stages of the battle. At the same time, however, it should be stressed that these mistakes did not result from carelessness or failure to exert full responsibility, but from an erroneous evaluation of the enemy's aims and from the considerations of commanders in the heat of battle under extremely difficult conditions.

Summing up the aforementioned containment battles, we point out that upon their conclusion, Northern Command went over - from a situation in which the enemy had penetrated to the proximity of the Jordan, and threatened Eastern Galilee - to a counter-attack, at the end of which our forces found themselves close to the enemy's capital and in control of the Hermon peak.

18. In the following two sections of the report, the Commission discusses subjects under the headings "Intelligence assistance during the war" and "Control," from the institutional aspect only. In other words, we drew attention there to faults and defects which we uncovered with regard to those subjects, and which were reflected in the main in the battles with which we dealt - but only in order to prompt the IDF to draw the requisite conclusions and adopt the measures necessary to prevent their recurrence.

INTELLIGENCE ASSISTANCE DURING THE WAR

The subject of Intelligence was dealt with by us extensively in our previous reports, in which we considered it with reference to the period preceding the war. Our investigation of the subject of Intelligence during the war was limited to the quality, organization and work of the Intelligence in the background of the attack of 8 October and during its course on the Southern front, as well as to the intelligence which reached the forces which took part in the battle. Here we found that part of the lessons stemming from the Intelligence Branch's activities and methods of operation on the eve of the war apply also to its activities and methods of operation during the war itself. In particular, in its present report the Commission draws attention to the fact that, in the opening days, field intelligence was well-nigh inactive in practice. It also draws attention, among other things, to the Intelligence's conceptual enslavement to "models."

In our investigation of the containment battles in the South, we found the sphere of Intelligence to be one in which the faults influenced the course of the fighting to a great extent. As stated, we remarked upon these faults merely from their institutional aspect.

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CONTROL

A central problem in the containment battles in the South, and to a lesser extent in the North as well, was the control of commanders at different levels over the situation and the troops under their command. At the stage of the outbreak of the war, this problem stemmed to a great extent from difficulties of application of the control and reporting doctrine in the sudden and sharp switch, without warning or with very short warning, from a state of calm to one of total war. At the same time, the continuation of the difficulties of control beyond the initial stage of the war led us to review the different elements making up the control of commanders in battle as applied to the containment battles, whereby we discovered a series of faults in practices and concepts, to which we draw attention in this section. Here, as in the Intelligence section, we deal with these faults from the aspect of the IDF system as such.

CAPTIVITY

19. While taking evidence, the Commission heard of phenomena related to various situations, which led to men being taken captive. The Commission did not go deeply into the matter. At the same time, it felt it incumbent upon itself to draw the attention of the proper authorities to the need to consider - and decide on - the said subject, to certain aspects of which the Commission points, without exhausting them, in the body of the report. To this end, it decided to refer the relevant sections of the aforementioned evidence to the attention of the Chief of Staff.

REGARDING TRAINING

20. The Commission attached major importance to a further analysis of the IDF's preparedness and deployment in anticipation of the Yom Kippur War and its mode of fighting in the containment battles, from the aspect of the training given to the IDF rank and file in the period preceding the war, with the aim of highlighting institutional deficiencies in the training establishment and in the content and goals of the training, wherever such deficiencies were remarked, and to draw lessons therefrom for the purpose of improvement in these spheres. It therefore requested Lt.-Gen. (res.) Haim Laskov, a member of the Commission, who at one time headed the IDF's Training Branch and was in charge of its Training Command, to prepare a special chapter on these subjects, which is now appended to this report. This chapter, which is based on testimony and other evidence in the Commission's possession and its conclusions on many subjects, is submitted as General Laskov's separate opinion. It fits in to a great extent with other chapters of this report and of its further partial report, and in this respect it is designed to expand upon and confirm from the training viewpoint what is there stated - for instance, in the chapters on battle intelligence, on regimen and discipline, on the emergency depot units and on the battles of 8 October.

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The other members of the committee could have also signed important parts of this additional chapter. They did not do so, because it also contains other sections of a professional nature, for which special professional expertise is needed to draw the correct conclusions. The members of the Commission feared that a partial signature on part of the chapter might be interpreted as the expression of reservations about what is said in other parts - and they are far from holding such reservations. Accordingly the Commission decided to leave the chapter as a whole, as a separate opinion of Lieutenant-General Laskov, which will stand on its own merits, by virtue of the special weight carried by his views.

THE RECOMMENDATIONS OF THE COMMISSION

21. With regard to the basic faults and shortcomings which came to light in the course of the inquiry into the subjects under discussion, the Commission saw fit not always to confine itself to pointing them out, or noting the lessons which ought to be drawn from them, but also saw fit to make from time to time - in the parts of the report in which they are mentioned - a concrete recommendation or recommendations on how to rectify them. This is not the place to enumerate these recommendations, which are many. We shall note only that they fall into three categories: (a) recommendations which the Commission is convinced must be implemented if the said faults are to be rectified; (b) proposals for a solution about which the Commission made no hard-and-fast statement, but which in the Commission's view deserve the utmost attention and serious consideration of the competent authorities; (c) recommendations - already mentioned above - that a detailed professional inquiry be carried out by the IDF into questions of a palpably military character, which the Commission has encountered, but on which it did not feel it was within its province to give a ruling.

THE COMMISSION'S CONCLUSIONS AND RECOMMENDATIONS REGARDING MAJOR-GENERAL SEMUEL GONEN

22. On 19.1.75, Major-General Gonen submitted to the Commission additional summaries in writing of his claims, in accordance with the approval he received from the High Court of Justice in application no. 469/74. In the body of the report the Commission devotes detailed discussion to these claims.

The Commission's conclusions regarding Major-General Gonen on the personal level and its recommendation regarding him are hereinafter quoted in full:

With regard to the recommendations on personnel published in the first partial report (fourth chapter, pages 19ff - English version, pp. 17ff), we now have to refer to only one: In regard to Major-General Shmuel Gonen. The reason for this is that our recommendation then was that he be suspended from active duty in the IDF until the conclusion of our inquiry. And this is what we wrote on the matter:

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"We have reached the opinion that on the day of the war's commencement, and on the preceding days, he did not properly fulfil his duties, and that he bears a substantial part of the responsibility for the dangerous situation in which our forces were caught in the South on Yom Kippur when the Egyptian enemy attacked" (p. 25 - English version, p. 21). And on a later page: "At this stage we are not submitting a final recommendation as to Major-General Gonen's capacity to fulfil functions in the IDF, but we recommend that he does not fulfil an active function until the Commission completes its investigation regarding the containment stages of the war" (ibid, p. 27; English version, p. 22).

As stated, now that we have completed our inquiry into the matter, we have to make our final recommendation.

Since the beginning of his service in the Hagana, and later in the IDF, Major-General Shmuel Gonen has been a brave soldier and a fearless warrior. He enlisted in the Hagana at the age of 14, and when he was 17½ years old, on 29 November 1947, was fully inducted into service in the Hagana (these and following data are based on his testimony, pp. 1897 ff). He fought in the Etzion Bloc, the Jerusalem area and Bnot Ya'akov. He operated a flame-thrower in the anti-tank unit organized in Jerusalem. In the War of Independence he was wounded several times. He served in the 5th Battalion of the Harel Brigade, rising to the position of platoon commander. In July 1949 he volunteered for a tank unit, and since then has served in the Armoured corps. In effect, he has held most of the command positions in this Corps, beginning as tank commander: platoon commander, deputy company commander, company commander, brigade operations officer, battalion commander, various staff duties at Armoured Forces headquarters, deputy brigade commander, and finally commander of 7th Brigade. He was appointed to the latter post in June 1966. Major-General Gonen studied, *inter alia*, at the Command and Staff College in England, and in August 1969, was appointed reserve commander of an Ugdá in Northern Command, and was promoted to the rank of Brigadier-General. In 1972 he was appointed head of the Training Department at the General Staff. At the time he also held an emergency appointment as commander of an Ugdá. On 15th July 1973, the Chief of Staff appointed him G.O.C. Southern Command.

Major-General Gonen actively participated in the wars of the State of Israel: the War of Independence, the Sinai War and the Six-Day War. In 1948 he was recommended for the Medal of Valour, and in 1956 received from the Chief of Staff the citation, which was later changed to the Medal of Heroism. It is widely known that Major-General Gonen fought heroically in the Six-Day War when commander of 7th Brigade.

It is well-known, and there have been other such cases in military history, that not every brave commander, who has the qualities needed to command a lower formation, necessarily has those required to command successfully on a super-formational command or a higher formation. We have found, on the basis of the material listed in the two partial

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reports and the present report, that there was a contradiction between Major-General Gonen's achievements in his progress up through the ranks of the IDF and the effectiveness of his command of Southern Command, before and at the beginning of the war.

Among the qualities required for the command of a battle formation are courage and comprehensive professional knowledge and expertise in the operation of the means used by the IDF. Major-General Gonen possessed these qualities to a very large extent. To know where and when to move forces of a fighting formation in battle, there is no need for special expertise, in addition to the basic conditions required in the commander of a battle formation which we defined above. But special administrative, command expertise and know-how are required to coordinate the forces of a regional and theatre command at the right time and place, in spite of the difficulties, and to carry out this mission consistently. For this a commander must possess the art of command to a high degree, first-rate administrative ability, and the power to analyse various factors beyond the purely tactical aspects. Only with the aid of these qualities can he move his forces to the battle and deploy them in their formations, reinforce them and support them in accordance with the needs and the strategic aims of the Command. Furthermore, it is well known that there is in the nature of things a discrepancy between the formal powers given to each commander and the operational demands made of him, in obedience to the needs of the hour, by the echelon in command of him. There is no battle procedure, nor fixed procedure for overcoming this discrepancy; it can be bridged only by face-to-face command between the commander and his subordinate. Only in this way can the commander also enlist the factors of morale, initiative and offensive spirit. General Gonen was aware of this from army directives.

When Major-General Gonen was put to all these tests, he was found wanting. We reached this conclusion after the comprehensive study which we devoted to the events of 8 October 1973 on the Southern front. From an analysis of the battle and the way Major-General Gonen conducted it and handled the forces, a picture is sometimes obtained of a commander who activates formations at a high echelon as if he were still the commander of a low-level formation. An analysis of the preparations for the battle on the 8th of the month and its conduct on that day persuaded us that Major-General Gonen did not measure up to the requirements of a G.O.C., as detailed above: He did not prepare thoroughly for the battle, he did not prepare a detailed operational plan, and he did not see to it that an operational order was issued and reached the commanders of his troops. He did not ascertain whether his forces had in fact arrived in full and were deployed in the manner required for the operation. He did not insist on seeing the plans of his commanders, and so did not approve them. When the battle began, he conducted it without any effective control system or staff work, refrained from taking personal command of his troops, and consequently was not closely informed of what was happening on the battlefield. He made crucial decisions on moving an Ugdá from one sector to another in a hasty manner and without checking by every possible means that the objectives defined by the C-o-S had in fact been accomplished. He frequently changed the objectives of Ugdot and gave them new ones without providing his forces with information on our

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or the enemy's forces. He caused a gradual erosion of the objective and of the method imposed on him by the Chief of Staff, being impatient to cross the Canal before the essential conditions for such a decisive step had been created.

Not every failure in battle justifies the taking of steps against the commander who conducted the battle; it happens that objective conditions prevent success even though everything has been done as required. Nor do we mean to say that all the other senior commanders acted properly in the battles of that day. At various points in this report we recommend the holding of more professional inquiries inside the IDF, in connection with the actions of this or that commander, particularly in connection with institutional shortcomings that were particularly marked on that day and which we indicated there. At the same time, we did not find a basis for recommending the drawing of personal conclusions against other commanders.

With regard to Major-General Gonen the case is different. The picture which emerges from a study of the battles of the 8th of the month show that he did not properly stand up to the difficult test of that fateful day, a fact which had a profound influence on the results of the fighting on that day on the Canal sector.

In adding to these conclusions the criticism we have already made of him in the first partial report regarding his actions up to the outbreak of the war, we have seen fit to submit now the following final recommendation about the posts which he may now hold in the IDF.

For all that he is a distinguished soldier and a prestigious commander of battle formations, Major-General Gonen cannot fulfil a super-formational command position, or one parallel to it in the General Staff. Accordingly, we are withdrawing our general recommendation that he be suspended from all duty in the IDF, subject to the reservation mentioned above. At the same time, we express no opinion for or against Major-General Gonen's being given some other appointment, or on what appointment. This falls, of course, within the province of those responsible.

23. With the conclusion of our duty, we hereby express our gratitude to all those who have assisted us in the execution of the task of the inquiry. It is appropriate to mention, in particular, the help extended by the following:

In Para. 7 of the first partial report, we took the opportunity of expressing our appreciation of the manner in which the collectors of material fulfilled the task entrusted to them. The greater part of the verbal depositions and written material they collected is related to the material of the present report. Accordingly we are now in a position to testify to the enormous benefit we derived from their work, and it is appropriate that we mention them once again by name:

Major-General (res.) Yosef Avidar
Major-General (res.) Moshe Goren

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Brigadier-General (res.) Shimon Gilboa
Colonel (res.) Yisrael Carmi
Colonel (res.) Yehoshua Nevo
Colonel (res.) Moshe Tamir

Our special thanks go to Colonel Ya'akov Hisdai and Major (res.) Yoav Gelber, who were of great assistance to the Commission almost from the beginning of its inquiry, for the excellent and tireless work which they both put into the coordination and organization of the enormous quantity of evidence. In addition to this function, Colonel Hisdai also fulfilled the important role of collector of material.

We also thank the assistant secretary of the Commission, attorney Aharon Aminoff, for his faithful service to the Commission.

Also deserving of a special expression of our appreciation is Judge David Bartov, for the successful manner in which he conducted the multifarious administrative affairs of the Commission; he served the Commission in this matter at every step from the beginning of its inquiry to its conclusion.

Finally, we wish to thank the office, technical and administrative staff of the Commission, who though few in number, were very efficient in their work.

THE FINANCIAL REPORT OF THE COMMISSION

24. We enclose herewith a financial report (Appendix D) on the expenses of the Commission of Inquiry, from which it transpires that they total IL567,496 (see itemisation).

25. AFTERWORD. Before signing this final report, we should like to say the following, although it may be largely a repetition of what we have previously said. The present report, like the previous ones, is of an exclusively critical character. Obviously, this is due to the nature of the task of inquiry with which we have been charged. At the same time, it is important to emphasize that the criticisms contained in each of them were made with a view to the future of the IDF and the country - so that anything requiring rectification should be put right. The spirit in which these words have been written is the same as that in which Winston Churchill wrote his great work on World War II. As he testified (Volume 1, Introduction, pp. iv-v), it was with pain that he had described those controversies with men for whom he felt affection or respect, but it would be wrong not to pass on to the future the lessons of the past. He hoped that consideration of the past would be a guide for the days to come, that it would be possible to correct some of the errors of past years, and thus the British people would be able to deal with the awesome secrets of the future as they would be revealed.

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As we said in previous reports, in the Yom Kippur War the Israel Defence Forces confronted one of the most difficult challenges which any army can have to face and was victorious.

For the true test of an army does not lie only in winning when it holds the initiative, but particularly when it is in great distress, from which it emerges and defeats the enemy. However, having witnessed the brilliant manner in which the people's army confronted this difficult test, it is essential that we should now ensure that it should not have to face a similar test in the future, and it is the prevention of such a situation that has been our objective in drafting the three reports. We hope that the lessons to which we have drawn attention will be studied, absorbed and applied, and that our recommendations may bear fruit and be carried out in practice.

Finally, in following the long road we have traversed until the conclusion of the inquiry, we were able - insofar as it could be done by listening to the evidence - to relive the experience of our soldiers, with their acts of sacrifice and heroism, and this experience has only strengthened our conviction that the task entrusted to us has not only been an onerous public duty, but also a great privilege.

APPENDIX A.

(1)

PART EIGHT: LEGAL QUESTIONS

(1) SPECIFICATION OF LAWS

298. In section 17 of the partial report we said that

"We have learned from the evidence before us that there is a lack of a clear definition as to the division of authority, duties and responsibilities concerning security matters amongst the three authorities dealing with these matters: the Government and the prime Minister; the Minister of Defence; and the Chief of Staff, who heads the I.D.F. -- and as to the determination of the relationship between the political leadership and the I.D.F. high command..."

We continued(ibid.):

"One thing, however, is clear from the constitutional aspect: it has never been decided that the Minister of Defence is a kind of 'Super Chief of Staff' who is required to guide the Chief of Staff within the latter's area of responsibility on operational matters, or that he is a sort of Supreme Commander of the I.D.F. by virtue of his being Minister of Defence. The inadequate definition of powers prevailing at present in the field of security, the vital importance of which is unsurpassed, hampers the effectiveness of the work, detracts from the focussing of legal responsibility, and causes uncertainty and frustration amongst the public."

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Earlier, in Section 16, we spoke of the "residual" powers which the Government possess under Section 29 of the Basic Law: The Government, whereby it is entrusted with the management of the State's defence to the degree that no other law empowers another authority - such as the Minister of Defence, acting under the laws with whose execution he is explicitly entrusted - to act in that sphere.

This directive in Section 29 assures the supremacy of the civil authority over the military hierarchy of the I.D.F.

299. We shall now recall several of the laws which grant other authorities the power to act in the sphere of defence:

(a) One of the first ordinances to be gazetted by the State of Israel was the "Israel Defence Forces Ordinance No. 4, 5708 - 1948" (Official Gazette 5708, Supplement I, page 9). The preamble to this Ordinance states that it is promulgated according to Section 18 of the Ordinance on Administrative and Legal Procedures, 5708 - 1948. This Section 18 lays down that "The Provisional Government is entitled to establish armed forces, on land, at sea and in the air, which shall be empowered to take all necessary and legal action for the defence of the State."

(This Ordinance was born with the defect that it was issued by the Provisional Government and not by the legislative authority of the time, that is, the Provisional State Council. The Provisional State Council corrected the defect in Section 4 of the Administrative and Legal Procedures (Supplementary Provisions) Ordinance No. 13, 5708-1948 (*ibid.*, page 21), by which it "hereby approves, retroactively, the Israel Defence Forces Ordinance 5708-1948 as if it had been an Ordinance of the Provisional State Council.")

The Ordinance was couched in vague and general terms. It ordered the establishment of an Israel Defence Force (section 1); required the swearing of allegiance by those serving in the I.D.F. (section 3); forbade the establishment or maintenance of an armed force other than the I.D.F. (section 4); granted force of law to orders and the like issued before the Ordinance (section 5) and to actions carried out in accordance with the provisions of the Ordinance (section 6); and made the Minister of Defence responsible for the execution of the Ordinance (section 7). The Ordinance nowhere deals with the subject of the I.D.F.'s operational activities, and thus even Section 7 is not to be regarded as empowering the Minister of Defence to guide the I.D.F. on this subject. The matter of conscription, mentioned in Section 2, was subsequently regulated in a detailed and specific manner by the Defence Service Law 5709-1949 (Consolidated Version, 5719-1949). See *infra*, paragraph (c).

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(b) Section 1 of the Military Jurisprudence Law, 1955, defines the term "military ordinances" appearing in Section 133 of the said Law, thus: "Directives of the Supreme Command which the Chief of Staff has been empowered by the Minister of Defence to issue, General Staff orders, Air Force Command orders and Navy Command orders."

Here the legislator assumed that the Chief of Staff issues the directives of the Supreme Command by virtue of the authority vested in him by the Minister of Defence, and that the other orders mentioned in the Section in question (General Staff orders, Air Force orders and Navy orders) do not require authorization by the Minister of Defence. But the source of the Defence Minister's own authority insofar as concerns the issuing of orders of the Supreme Command is itself in doubt. The directive for execution contained in the said Section 7 of the Israel Defence Forces Regulation provides too flimsy a basis for granting the Minister of Defence such authority. It is even unclear as to what the legal basis is on which the Chief of Staff issues the General Staff orders. One opinion is that General Staff orders are issued by virtue of the internal organization of the I.D.F. (vide Rubinstein, Constitutional Law in Israel, page 96, note 33).

(c) Section 26 of the Defence Service Law, 5719-1959 (Consolidated Version) empowers the Minister of Defence, should he be convinced that the security of the State so requires, to order all persons liable for military service and enrolled in the reserves to report for regular or reserve service, and to serve as long as the said order remains in effect. Such an order requires approval within 14 days from the Defence and Foreign Affairs Committee of the Knesset.

This authority is non-transferable (vide Section 43(3) of the law).

300. To sum up, these enactments do not give an answer - in any event, not an unequivocal answer - to the question of whether under Israel law the responsibility for guiding the I.D.F. on the operational level, or even for its order of forces and their deployment, is directly assigned to a specific Minister, aside from the residual and general authority vested in the Government by Section 29 of the Basic Law: The Government. As we pointed out in Section 16 of our first partial report, this authority, too, can under Section 29 be delegated from the Government to one of its Ministers, in accordance with Section 31(a) of the Basic Law. The Government can also exercise this authority through a Committee of Ministers, under Section 27 of the Basic Law. We did not find in the material before us that the Government has thus far invoked its formal power under Section 31(a) to vest one of its Ministers with its powers in the field of Defence. We do not for our part hereby take it upon ourselves to declare that it would be desirable for one of the Ministers to be so empowered or, if so, by which legal procedures this should be accomplished.

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Annexe B.Regimen and Discipline

The Commission attached great importance to the question of regimen and discipline in the I.D.F., as reflected throughout the period investigated by us. The Commission gave much consideration to the question of whether to bring the chapter devoted to this subject to the attention of the public in full. The Commission was finally persuaded that on this subject, too, the descriptive sections of this chapter cannot, for reasons of national security, be revealed to the public, in view of the information contained therein. We present below the introduction to the chapter, verbatim (except for certain quotations):

The subject of regimen and discipline has been on the agenda of the I.D.F. since their establishment: the degree of severity of the regimen required by a popular army such as the I.D.F.; symptoms in civilian society which adversely affect the regimen and discipline within the army; selecting the means to impose discipline in practice as well as in theory - these, together with further problems inherent in this subject, have preoccupied the thoughts of those who have shaped the character of the I.D.F. from the very beginning, and deliberations on this issue at supreme command level were continually renewed until the last days preceding the Yom Kippur War. We assume that they have not ceased since the war either. We feel this matter to be so important that we chose it as one of the principal subjects with which we shall conclude our work in this final report.

The danger of any discussion of a broad subject such as this is that even more or less pertinent remarks are rarely followed by appropriate action. We did, however, enjoy one advantage over those who have dealt with this issue within the I.D.F. so far: not only is the picture obtained from the copious testimony heard by us and compiled for us and from the complaints that reached us a very detailed one, but we are capable of viewing matters with the eyes of a disinterested bystander, whose vision is more comprehensive as well as more objective.

It was not our intention to compile some sort of overall training manual on matters of regimen and discipline in the I.D.F. We preferred, rather, to concentrate our deliberations upon the description of a number of grave difficulties that were revealed to us, and to make practical proposals to rectify the faults. In describing the existing situation we had to confine ourselves, in accordance with our terms of reference, to the period preceding the Yom Kippur War and to that of the war itself. Since then, improvements of which we are unaware may have already been introduced. If that is the case - well and good.

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Many of the subjects discussed by us in this chapter seemingly deviate from the questions of regimen and discipline, and some would appear to touch only marginally upon them. It goes without saying that our remarks were not intended to exhaust these subjects in all their aspects. However, they do have considerable bearing upon the subject of regimen and discipline, and it is from this angle that we are considering them here.

(1) Definition of Concepts

In order to understand the contents of this chapter, we must make certain prior definitions of concepts as used by us, as well as certain axioms which we assume are commonly accepted.

Regimen in the army is an ensemble of standards for the behaviour of the soldier and for relations between commander and subordinate, laid down in or according to military law, including army orders and other binding instructions, as well as in military custom. Military discipline is expressed by the fact that the soldier accepts the authority of his superiors. These are authorized by law to impose their authority for the implementation of a military assignment, whether routine or a special mission (attaining a specified military objective). In accepted military terms, discipline is generally classified in sub-categories, i.e. administrative discipline, which determines the soldier's behaviour in daily life, and operational discipline, which touches upon the soldier's behaviour in fulfilling a military assignment directed against the enemy.

Military drill is designed to impose upon the soldier the special discipline of a certain sequence of actions in his movements or in his use of arms. Its aim is to convert this sequence into a sort of "second nature," so that the soldier will perform these actions in their proper order in battle, despite the conditions of external and internal pressure to which he is exposed.

Discipline, command and obedience characterize the military profession as compared with other professions. Without discipline the army becomes a rabble, an armed mob, incapable of any coordinated action. Deficiencies due to ineffective administration may appear in any army, for reasons of human error or through mishaps caused by the operation of a huge and complex machine. But without good discipline no action can be taken to correct the faults and prevent their recurrence. An undisciplined army will end up by sinking into the quicksand of deficiencies and disruptions.

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Army routine, to say nothing of the needs of battle, places the soldier under great strain, strain which runs counter to the normal wishes of the average man and which he would be unable to bear were it not for the yoke of discipline.

As weapons grow more and more complex and complicated, as the forces taking part in the fighting grow larger and the chain of command lengthens, and as those forces' disposition, dispersal and speed of battle grows, so does the need for discipline on the part of every soldier and the importance of having a proper military administration - all this before even the pressure of enemy hostile action begins.

(2) Discipline is indivisible

Discipline is indivisible: A soldier who in time of calm gets into the habit of neglecting the "little" points of discipline - such as non-performance of a routine assignment or non-compliance with regulations on personal appearance - without eliciting reaction by his commander, will in the end also be lax in carrying out operational orders. In other words, faulty discipline has a harmful effect on a soldier's fighting capacity.

Discipline is also indivisible in another sense: Scrupulous observance of regulations cannot be expected of a soldier who observes a commander who is himself negligent on discipline. For example, a commander whose own personal appearance is slovenly cannot demand of his subordinates that they observe cleanliness and neatness. He will, in fact, set a bad example to his subordinates.

And there is yet another sense in which discipline is indivisible: A soldier who takes no pains over body cleanliness will come to neglect the cleanliness and state of repair of his weapon. A soldier who has become accustomed to violating traffic laws in times of calm, and who observes his commander doing so, will fail to observe traffic discipline in wartime and will thus interfere with the smooth flow of forces to the front. Failure to look after military equipment according to the principles of technical discipline is bound to leave its mark when the time comes to use that equipment. The grim conclusion which follows from all this, is that good habits of discipline in things both great and small go into the fateful equation of maintaining life and property - and vice versa.

The Commission next takes up the factors which had a negative influence on discipline in the I.D.F. in the period between the Six-Day War and the Yom Kippur War, and deals at length with the defects of regimen and discipline in the period up to and including the first days of the Yom Kippur War. It then makes recommendations to correct the defects discovered.

The section ends with a paragraph on "Non-compliance with operational order" and concluding remarks, as follows:

NON-COMPLIANCE WITH OPERATIONAL ORDER

We wish to dwell on a particular question on the subject of discipline, which gave rise to public debate in the wake of a Press interview (Ha'ariv of 25.1.74) granted by Maj.-Gen. (res.) Ariel Sharon, and from which it would appear that in his opinion, there are certain circumstances in which a commander may

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refrain from carrying out an operational order addressed to him. When Gen. Sharon appeared before us as a witness, we examined him on this question (p. 7909 onwards), in order to set the record straight. General Sharon testified to having been disturbed by a question of conscience, in the wake of something which happened on one of the final days of the Yom Kippur War. On that day, he had been ordered to lead the Ugdá under his command to attack a certain target. He had believed that implementation of the order would result in many casualties, and that if the commander who had issued the order had been fully aware of the situation on the battlefield - knowledge which he lacked, in General Sharon's opinion - he would not have issued the order. He, General Sharon, therefore opposed the order for hours, but finally, the order not having been rescinded, he obeyed it and carried out the attack, discovering no achievements thereafter to induce him to change the opinion he held before the operation. He cites this instance as an example of an order which it would have been justified not to carry out, answering for it thereafter. In his testimony, he stressed that such cases are very rare. He then continued (p. 7912 onwards):

"I admit that possibly I ought not to have said this, since mounds of things that I did not say piled up around it, and my repeated arguments, denials, explanations and further denials were of no avail. I have already been stigmatized as the symbol of someone who believes in non-fulfilment of orders. I don't think that I do not carry out orders.... I believe in the meticulous fulfilment of orders and would certainly not recommend the development of any ideology, and I personally do not stand by such an ideology, and have explained this many times."

(pp. 7927/8):

"Question:... A person who says: I did not carry out an order in battle because I thought thus or otherwise and I knew that I was offending against discipline... And I hoped that at the court-martial, although I had been charged, I might receive leniency - that is still called discipline. But when someone says that he is entitled not to carry out an order, that is the dangerous nuance...."

"Answer: I don't think I said anything else than that... I think that, as I said it..., I certainly repeated that I was prepared to face charges on this matter..."

We believe that these conversations throw enough light on this difficult issue, and that Major-General Sharon's outlook, as he described it to us, is consistent with military discipline. At a time of battle - and we are not of course dealing here with an order which has to be carried out forthwith - very rare instances may occur in which the commander who receives an order is convinced that if his commander were fully aware of the facts in the field he would not insist on its being carried out. Thus he who receives the order is caught on the horns of a dilemma, between his obligation to carry out any order, unless it is clearly illegal, and his conviction that on the basis of the facts of the situation, such an order is out of the question. When a commander finds himself in such a situation, and he has exhausted all the accepted means, insofar as these are at his disposal in the circumstances, to have the order changed - informing the commander who gave the order of the facts of the

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situation, and trying to persuade him to change the order, appealing against the order to a higher echelon - and all to no avail, the commander is then obliged by military law to carry out the order to the best of his ability, and afterwards demand the establishment of a committee of inquiry to investigate the circumstances under which the order was given and carried out. If he does not carry out the order, his superior officer may remove him from his command forthwith, and he is then liable for court-martial for deliberate refusal to obey an order (Article 122 of Military Jurisdiction Act, 1955), and all that remains is for him to inform the court-martial of his grounds for not carrying out the order, as an extenuating circumstance.*

CONCLUDING REMARKS

In summarizing this entire chapter, we quote the words of one of the commanders who led a brigade during the war, in order to disassociate ourselves from them entirely. This was what the officer said in his testimony:

"To a certain extent and at a certain point we must stop digging about in the past, because with all this digging in the past we forget to deal with the future... The central problem of the I.D.F. today is not discipline: the central problem of the I.D.F., in my opinion, is the confidence of the civilians in the army, and the confidence of the State in the army, and the confidence of the officers in their men, as a result of everything that has happened since the Yom Kippur War."

We cast no doubt as to the genuine desire of this commander, who fought courageously during the war, to revert to normal, and think about "tomorrow," with which he and his comrades are occupied. But we must reject such an approach and such statements of opinion, when we are dealing with an inquiry into failures and their causes; for otherwise, who will guarantee that similar failures arising out of similar causes will not happen tomorrow?

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A different situation arises when a soldier is sent to carry out a mission independently, and when he reaches the scene he finds himself suddenly confronted with circumstances basically incompatible with the factual data according to which his commander sent him to execute the mission, and the soldier is quite unable to contact his officer in order to persuade him to change his order. In such a case, the soldier will assume the responsibility and act according to his initiative and discretion, with the utmost effort to remain devoted to the objective despite the changed circumstances, and at the first opportunity he will report to his officer what has happened and explain his actions.

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It is a fact, universally accepted by everyone in the I.D.F. that there have been grave shortcomings in the sphere of discipline. There are those (and they are a minority amongst the officers) who feel that these shortcomings had no adverse influence upon the way the I.D.F. fought in the Yom Kippur War. On the basis of all the evidence collected by us, we are of a different opinion. We have explained earlier that there is a close bond between the standard of discipline in the army throughout the year and the quality of performance in the supreme test of war. The readiness to sacrifice and the capacity to improvise, as they were again revealed in the Yom Kippur War - and these are no substitute for discipline - extricated the army to a considerable extent from its straits. But who can tell what mishaps might have been averted in the first place had this willingness to fight been accompanied by discipline on a higher level?

Confidence in the I.D.F., insofar as it has been impaired, cannot be maintained by vague declarations and demands for trust in the army on the part of the civilian public. Our public is linked to the army by thousands of bonds, and the reservists know full well what is happening in its midst. If the soldier and junior officer act within a climate of correct discipline, of carrying out military standing orders and correct administration and procedure in accordance with predetermined rules, then mutual trust in the ranks grows, as does the will to join up for regular service and the initiative and devotion of the soldier at all levels. The regrettable manifestation of reservists slandering the army would then disappear of its own accord, and the army will regain the full trust of the public, which it enjoyed in the past.

The effort to make good the faults must not be put off; it must be made in conjunction with the hard task of expanding and physically strengthening the establishment, for there is a close reciprocal relationship between all these. What is more: the Israel Defence Forces and Israeli society are one, for the I.D.F. come from it and exist for its sake. Therefore the I.D.F., and first and foremost its command, must rise above themselves in order to pave the way to abolishing the faults that have begun to infiltrate from the civilian sector into its ranks, and thereby to make a decisive contribution to correcting the standards of that society as a whole. The I.D.F. can fulfil this difficult task, which falls into the sphere of responsibility of their senior command, and for this purpose they have been given tools and sanctions that are not available to civilian society.

Among the I.D.F.'s superior qualities over their enemies, by virtue of which they have emerged triumphant and victorious from all trials in the past, we have always counted in the first place the spirit and moral level of the men. A major internal shake-up must now continue, and even increase in force, in the ranks of the I.D.F., for the sake of the thorough house-cleaning the need of which we have indicated in this chapter. This imperative task must be one of the principal concerns of those who are responsible for the soundness of the I.D.F.

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APPENDIX C

At the conclusion of the part of the report dealing with the battles of 8 October 1973, the Commission adds a chapter :

"Reservations and comments on the evidence submitted in regard to the containment battles on the Southern Front."

The chapter is headed by a list of the eleven main documents which were at the Commission's disposal in its inquiry into the battles of 8 October, including a transcript of various communications networks and entries. The Commission adds:

"Maj-Gen. Gonen raised before the Commission various claims and accusations regarding the authenticity and completeness of some of these documents and also complained about the disappearance of the war diary of Maj-Gen. Adan's Ugdá. Following these complaints, the Minister of Defence, in a letter to the Chairman of the Commission of 5 December 1974, asked that this subject be included among the matters investigated by the Commission. In his letter of 9 December 1974 the Chairman of the Commission replied to the Minister of Defence as follows:

Sir,
In reply to your letter K/013227 of 5 inst., I wish to inform you that the complaints you mentioned were brought up before the Commission of Inquiry - Yom Kipur War in the testimony of Maj-Gen. S. Gonen, and again, in his letters addressed to the Commission dated 16 and 30 October 1974. The Commission investigated these complaints and found no concrete tangible proof in the material submitted in substantiation of the allegation that alterations or erasures had wilfully been made in the documents or recordings of the said military unit, or that any documents or parts of documents concerning the actions of the above military unit on 8 October 1973 had purposely been withheld from the Commission, or that a document had been presented to it purporting to be something which in fact it was not. Consequently, the Commission finds no grounds for inviting Maj-Gen. Gonen to testify again before the Commission. The Commission will show grounds for reaching these conclusions in its final report to be issued shortly.

2. The Commission has in its possession sufficient documentation to enable it, within its terms of reference, to reconstruct the movements of the said unit and of IDF forces at the Southern Front in general on the day in question.

3. In its work, and in the publication of its reports, the Commission has observed with utmost care, and will continue to observe, essential demands of field security and security of the State in general. In this context, the Commission feels compelled to express its deep concern over the rumormongering in connection with the above subjects, which recently found its way - in our opinion at least partly on purpose and by design - into the communications media in complete violation of these elementary demands.

yours very truly,

Shimon Agranat
Commission Chairman

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The Commission then goes on to give its reasons for the statements made in its above letter of 9 December 1974. It investigates Maj.-Gen. Gonen's complaint regarding the reliability of the transcript of one of the communications nets owing to a suspicion of intentional erasures from recording tapes. This refers to three sections in which, according to Maj.-Gen. Gonen, no traffic appears over that net. Maj. Gen. Gonen called for a technical examination of the tapes, which showed that in the case of two out of the three sections there had indeed been traffic over the communications net - so that the issue of those two sections immediately fell. With regard to the third section, the examiner concluded that there was a "reasonable possibility" that an erasure had been made. In this context Maj.-Gen. Gonen claimed that after the war the tapes in question had been in the possession of the Ugda under the command of Maj.-Gen. Adan, and he suggested that the Commission carry out "a more thorough and substantial investigation" of his complaints regarding erasures from the tape.

Maj.-Gen. Gonen's above-mentioned claims were brought by the Chief of Staff to the attention of Maj.-Gen. Adan, who in his letter of 24 October 1974, from his place of service abroad, vigorously protested against these "malicious aspersions and accusations". He informed the Commission that he had not himself, nor had anyone else on his behalf or with his knowledge, made any changes or deletions in the journal or recording tapes.

The Commission saw no grounds for an independent investigation of the circumstances that caused the three-minute silence in the communications net in question, as requested by Maj.-Gen. Gonen. In explaining its reasons, the Commission notes that it has before it the transcript of another recording (submitted by Maj.-Gen. Gonen himself and regarded by him, too, as trustworthy), which gives a complete picture of the exchanges between the commanders during those three minutes. The Commission found that, under these circumstances, Maj.-Gen. Gonen's demand for further investigation of the causes for the silence on the communications net was futile and, if acted upon, was bound to distract the Commission's inquiry from its proper course and waste its time. The Commission adds that, in any case, Maj.-Gen. Gonen's aspersions on Maj.-Gen. Adan in the matter of tape erasures were obviously unsound. The tapes had been handed to an officer of the Armoured Corps (against receipt). But the Commission had no evidence to justify the assumption that the Ugda possessed equipment which could be used to carry out such an erasure, under the existing technical conditions. The Commission also queried the purpose of intentionally erasing something from a recording, when the perpetrator must have been aware that the exchange had also been recorded elsewhere. It adds that, according to its findings in the report itself, the two commanders had in any case been agreed on carrying out the operation discussed between them in the above exchange.

The Commission also rejects the contention that Maj.-Gen. Adan submitted to it the document mentioned in the previous paragraph as something other than what it actually was, i.e. the original diary of the Ugda. The Commission has no grounds for assuming that, in submitting the document, Maj.-Gen. Adan sought to mislead the Commission, as claimed by Maj.-Gen. Gonen. It goes on to give its detailed reasoning for this, based on the nature of the document and the matters recorded in it.

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The Commission goes on to say that it is a regrettable fact that after the war it was impossible to find the original diary of the Ugda commanded by Maj.-Gen. Adan despite the attempts made to find it, and it points out that this is not the only instance of irregularities in the preservation of military documents mentioned in the course of its investigations. "This is a serious matter in terms of the proper running of the I.D.F.," the Commission continues, and adds:

"For our part, however, we did not find it proper to initiate further searches in order to discover documents not submitted to us, because as we pointed out in the above letter to the Minister of Defence, the Commission had before it as much documentation as it needed to reach its conclusions. We would therefore have regarded the initiation of such searches as a superfluous extension of the scope of the Commission's work, going beyond the subjects which the Commission was required to investigate specifically. But there is nothing to prevent the Chief of Staff on his part, if he sees fit, initiating a further inquiry into the disappearance of the missing documents in accordance with military law".

On 15.12.74, Maj.-Gen. Gonen approached the Commission with more argument, this time in connection with another document that he himself had submitted to the Commission at an earlier date. This time he claimed that the times noted on one of the pages of the document had been altered with malicious intent, and, in particular, that notes which purportedly referred to a certain discussion on the evening of October 8 actually referred to a discussion held on the evening of October 7, as if somebody had taken out of their correct context entries from the same official document and "stuck them on" to entries referring to another evening. Maj.-Gen. Gonen attached to his letter a written declaration by another senior officer who had participated in the said discussion. In this statement he says that "to the best of his memory and knowledge" the discussion had taken place on the night of 7-8 October. The Commission summoned the officer to testify before it, and it states that, after hearing his evidence, it was persuaded that the entire charge was baseless, and that no value should be attached to his statement. It goes on to give its reasons for its conclusion in this matter - another issue on which the Commission had been engaged to no purpose. It shows in detail that, according to much reliable evidence presented to it, the said discussion, judging by its contents, could not have taken place on the evening of 7 October. When the Commission put these findings before the deponent while he was giving evidence, he admitted that they did not tally with his version. The Commission sums up the matter as follows: "Our impression of the evidence of was that his memory concerning details is not strong, so that he had to rely only on considerations based on the entries he actually saw before him. From his evidence it was clear that his belief in the correctness of his version was badly shaken, and that if he had properly weighed the sum total of the said entries and other facts known to him, he would not have made the statement. In our view, acted very irresponsibly in signing his statement."

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To sum up its findings on all the contentions put forward by Maj.-Gen. Genen, the Commission says that " most of them (the contentions) were not relevant to the subjects the Commission had to consider, and not a single one of them required any further clarification to allow the Commission to reach the conclusions it reached in this report. Although it was clear to us that these contentions were irrelevant from the moment they were submitted to us, and although we knew that we had in our possession as much documentation as we required, even without the material whose reliability Maj.-Gen. Genen sought to impugn, we nevertheless to some extent went beyond the call of formal duty and entered into an investigation of several of his allegations of forged entries and erasures, and rejected them, as explained in detail above..."

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APPENDIX DFINANCIAL REPORT

When it began its work, the Commission set itself an estimated budget for a period of four months, totalling IL474,390.

The Commission's principal expenditures stemmed from the vital need to ensure the absolute secrecy of its investigations and the safety of the written evidence of the most sensitive security nature collected by the Commission, as well as from the methods of recording its deliberations. Safeguarding secrecy, as stated, meant employing security officers, and watchmen on the premises of the Commission, working in shifts round the clock, as well as a team of technical workers.

The major part of the Commission's deliberations consisted of questioning witnesses, which required the strictest accuracy in reporting, taking into consideration the special nature of the subjects of the investigation. A dual system of recording was introduced, using both stenographers and tape recordings. This system required the employment of teams of highly skilled and experienced stenographers and recording technicians of a high security classification. Owing to the work regime on the premises and the severe security restrictions, it was necessary to confine some of the workers - particularly the stenographers, the guards and the service workers --- to the premises throughout the day, and it was necessary to see to it that they got meals on the premises. The same applied to some members of the Commission and to witnesses summoned to give evidence throughout a whole day, who did not leave the building before the conclusion of the interrogation.

The Commission was assisted in its investigations by collectors of material who conducted their investigations in the field and only their actual expenses, including fares and per diem expenses, were paid for by the Commission.

Substantial expenditures also stemmed from the vital need to convert the premises of the Commission to meet its requirements. The premises made available to the Commission by the Ministry of Justice were unfurnished and lacked all security arrangements. Special security rooms were installed for the Commission. All the equipment purchased or borrowed by the Commission was inventoried, and when the Commission completes its work, the borrowed equipment will be returned and the purchased equipment will be made over to the Accountant-General, apart from basic installations which cannot be removed.

The following list shows the actual expenditures of the Commission from the beginning of its work on November 27, 1973 until 31.12.1974, as presented by the Accountant of the Law Courts. Since the recording of expenditures is by computer and is carried out by the Accountant-General, it was not possible to obtain an updated summary of expenditures in order to complete the picture. The figures of total expenditure were added on the basis of estimates only. The expenditures are covered by the Attorney-General from the State Treasury.

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A. EXPENDITURES ACCORDING TO THE REPORT OF THE ACCOUNTANT OF THE LAW COURTS

	IL
1. Purchase of office furniture and equipment	46,032.80
2. Wages and overtime pay (administrative and technical staff)	224,421.53
3. Recordings	51,700.40
4. Stenography	45,162.40
5. Expenses, fares and haulage	89,974.27
6. Printing and photostats	33,092.50
7. Maintenance and repairs of building	26,561.65
8. Miscellaneous expenditures (hiring of equipment, repairs to typewriters and photocopiers, postage and cables, newspapers and press-cutting service, etc.)	15,550.64
Total	532,496.00

B. FURTHER ESTIMATED EXPENDITURES

	IL
1. Repairs and renovation of building, prior to its return	5,000.-
2. Printing of final report and publication of 5,000 copies for the public	50,000.-
3. Final invoices for recordings	11,000.-
4. Outstanding wages	50,000.-
5. Outstanding payments for haulage, expenses and fares	5,000.-
6. Outstanding payments for maintenance of building	4,000.-
7. Miscellaneous	10,000.-
Total	135,000.-

TOTAL EXPENDITURES

667,496.-